

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ABDUL J. FOWLER,)	
)	Civil Action
Petitioner)	No. 14-cv-02604
)	
v.)	
)	
TAMMY FERGUSON, Superintendent;)	
PENNSYLVANIA BOARD OF PROBATION)	
AND PAROLE; and)	
THE ATTORNEY GENERAL OF THE STATE)	
OF PENNSYLVANIA,)	
)	
Respondents)	

O R D E R

NOW, this 7th day of January, 2016, upon
consideration of the following documents:

Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody, filed by petitioner pro se on June 19, 2014, together with Memorandum of Law in Support of Petition for Writ of Habeas Corpus, Ad Subjiciendum;

Answer to Petition for Writ of Habeas Corpus, which answer was filed by respondents on July 22, 2015, together with Exhibits A through L;

Report and Recommendation of United States Magistrate Judge Elizabeth T. Hey dated October 27, 2015 and filed October 28, 2015;

it appearing that no objections have been filed to the Report and Recommendation of Magistrate Judge Hey;¹ it further appearing after review of this matter that Magistrate Judge Hey's Report and Recommendation correctly determined the legal and factual issues presented in the petition for habeas corpus relief,

IT IS ORDERED that Magistrate Judge Hey's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that petitioner's Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody is denied without an evidentiary hearing.

IT IS FURTHER ORDERED that because petitioner has not met statutory requirements to have his case heard, no reasonable jurist could find this procedural ruling debatable, and there has been no substantial showing of the denial of a constitutional right, a certificate of appealability is denied.

¹ Petitioner received a Notice accompanying the Report and Recommendation stating that petitioner was required to file any objections to the Report and Recommendation within fourteen days of service of the Notice and filing of the Report and Recommendation pursuant to Rule 72.1(IV)(b) of the Local Rules of Civil Procedure for the United States District Court for the Eastern District of Pennsylvania. The Report and Recommendation and the Notice were filed on October 27, 2015 and were served by mail and email on October 28, 2015.

Because service was by mail and email, pursuant to Federal Rule of Civil Procedure 6(d), the parties have an additional three days to file objections. Additionally, if the final day of the period to file objections falls on a Saturday, as it did here, then, pursuant to Federal Rule of Civil Procedure 6(a)(1)(C), the period runs until the end of the next day that is not a Saturday, Sunday or legal holiday.

Thus, any objections were required to be filed on or before Monday, November 16, 2015. As of the date of this order, petitioner has not filed any objections to the Report and Recommendation.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this matter closed for statistical purposes.

BY THE COURT:

/s/ JAMES KNOLL GARDNER

James Knoll Gardner
United States District Judge